

Appl. No. 09/601,913
Amdt. dated November 14, 2005
Reply to Office action of August 11, 2005

REMARKS

Reconsideration is respectfully requested. Claims 1-16 were pending and are canceled. New claims 17-20 are added.

After reviewing the arguments of the Examiner the Applicant states the following:

1. The Examiner objects scope of claims of the Applicant citing by novelty and obviousness US Patent No. 5035422.

Applicant respectfully traverses.

There are none of the following features in the mentioned patent:

- Taking as game elements movable objects of technogenic origin - "space waste" and of natural origin - meteorite particles randomly moving in cosmic space;
- Location of game event assessment means on board a space vehicle;
- Location of game event registration facility on board the space vehicle;
- Transmitting game event occurrence data to the Earth over telemetry channels for the further processing and displaying for the competitors using any standard display means, for example, screens, monitors and so on.

The above is why the Applicant respectfully submits that the invention complies with the criteria of "novelty" and "nonobviousness".

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2. The Examiner states that it is impossible to reduce the invention to actual practice with the technology now in existence. This statement is groundless and false, since there are a lot of technical means that can be used for reducing the invention to practice (see also previous official action responses). For example:

- as game event assessment means, a large-size film screen or screens that are unfolded in space and are fixed on a cable on a space vehicle can be used (Patent RU No.2000259); millimeter-wave early warning radar (Application RU No. 2001130722);

- as game event registration facility meteorite particles detector can be used (USA "Pegas - 1,2,3"); film capacitors as the sensors (p.20 of the description § 1); contact sensors and so on;

- Data transmitting is carried out from the space vehicle over common telemetry channels to the Earth;

- The display means for competitors on the Earth may be any television or radio receivers, screens, computer monitors, etc.

3. In order to accelerate the examination of this Application and the issue of fair decision the Applicant takes into consideration the Examiner's point of view. Accordingly the Applicant has canceled claims 1-16 and adds new claims 17-20.

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The Examiner has made rather broad and extensive requests for information and documentation from the applicant, asserting that the information is necessary for Examination. These requests of the Examiner have been submitted to the applicants by the undersigned and the above noted responses numbered 1, 2 and 3 were provided in reply by the applicants for submission herein to the Examiner.

A copy of an entry from the DEPATIS database for RU2000259C1 is attached.

Applicant respectfully traverses that such data requested by the Examiner is needed to examine the application. There is ample and sufficient disclosure in the application as filed to disclose the utility and to enable one of ordinary skill in the art to make and use the invention.

Reconsideration of these broad requests is respectfully requested.

The claims are rejected as not having patentable utility and being directed to non-statutory subject matter. Applicants respectfully traverse.

The Examiner states that the claims merely recite allotting a payoff. While this term does appear in claim 1 (a method claim), it does not appear in claims 12-16, which are device claims. The rejection under 35 U.S.C. §101 is therefore not sustainable with respect to claims 12-16. Claims 12-16, which do

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not depend on claim 1, cannot be rejected under 35 U.S.C. §101 based on language that appears in claim 1.

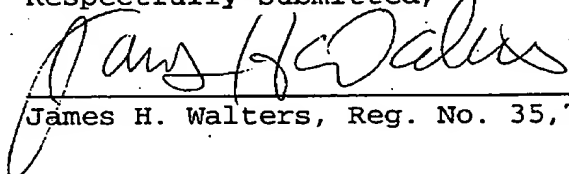
Further, with respect to the rejection of claim 1 and its dependent claims, the claims do not require all the detailed steps to practice the invention. The Examiner rejects the claims as being non-statutory because they recite allotting a payoff, but that no tangible result is made because the claims do not also recite the step of awarding the payoff to a person. This is respectfully submitted to be an unsustainable rejection. Allotting of a payoff is certainly a useful and tangible result. How the particular payoff allotment is collected by a person is not required to be in the claim in order for the claim to be statutory. One does not need to collect money out of a bank account in order for funds allotted to that account to be useful and tangible. The effect of having the funds allotted is sufficiently useful.

Reconsideration of the rejections is respectfully requested.

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In light of the above noted amendments and remarks, this application is believed in condition for allowance and notice thereof is respectfully solicited. The Examiner is asked to contact applicant's attorney at 503-224-0115 if there are any questions.

Respectfully submitted,


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